

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 16-20541  
Honorable Linda V. Parker

TERENCE BROCK,

Defendant.

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**OPINION AND ORDER DENYING DEFENDANT'S MOTION FOR  
REDUCTION OF SENTENCE**

On September 14, 2016, Defendant pleaded guilty pursuant to a plea agreement to one count of possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A), and possession with intent to distribute cocaine base in violation of 18 U.S.C. § 924(c) and 21 U.S.C. § 841(a). As set forth in Defendant's plea agreement, his convictions arose from his possession of a firearm and cocaine base on July 25, 2016. (Plea Agreement at 2, ECF No. 15 at Pg ID 31.) On January 17, 2017, the Court sentenced Defendant to a term of imprisonment of sixty months and one day. On February 14, 2019, this Court received a letter from Defendant which it has construed as a motion for a reduction of his sentence pursuant to the First Step Act. (ECF No. 22.)

Federal courts generally are prohibited from modifying an imposed term of imprisonment, *see* 18 U.S.C. § 3582(c); "but the rule of finality is subject to a few

narrow exceptions.” *Freeman v. United States*, 564 U.S. 522, 526 (2011). One exception is found in 18 U.S.C. § 3582(c)(1)(B), which permits a court to modify a sentence “to the extent otherwise expressly permitted by statute . . .” The First Step Act, Pub. L. No. 115-391, 132 Stat. 5194, enacted on December 21, 2018, expressly permits sentence modification for some defendants.

Section 404(b) of the First Step Act permits a court to “impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 . . . were in effect at the time the covered offense was committed.” *Id.* The First Step Act defines a “covered offense” as “a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 . . ., that was committed *before* August 3, 2010.” *Id.* § 404(a) (emphasis added). Defendant did not commit the offenses for which he pleaded guilty in this action before August 3, 2010. As such, Defendant is not eligible for a sentence reduction pursuant to the First Step Act.

Accordingly,

**IT IS ORDERED** that Defendant’s motion for a reduction of his sentence is **DENIED**.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
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LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: August 28, 2019